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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/998,587	11/16/2001	Craig Ullman	4247.43	7575

20686 7590 03/06/2003

DORSEY & WHITNEY, LLP  
INTELLECTUAL PROPERTY DEPARTMENT  
370 SEVENTEENTH STREET  
SUITE 4700  
DENVER, CO 80202-5647

EXAMINER

VU, VIET DUY

ART UNIT	PAPER NUMBER
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2154

DATE MAILED: 03/06/2003

13

Please find below and/or attached an Office communication concerning this application or proceeding.

page

# Office Action Summary

Application No.  
09/998,587

Applicant(s)  
Ullman et al

Examiner  
Viet Vu

Art Unit  
2154



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on Dec 13, 2002
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-35, 39-41, 43, 61-95, 100-104, 110, 111, and 115-170 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration
- 5) ☒ Claim(s) 111 is/are allowed.
- 6) ☒ Claim(s) 1-35, 39-41, 43, 61-95, 100-104, 110, and 115-170 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some\* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_
- ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other:

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**DETAILED ACTION**

**Art Rejections:**

1. The text of 35 USC 102(e) and 103(a) not cited here can be found in the previous office action.

2. Claims 1, 4-14, 16-19, 21-35, 39-40, 43, 61, 64-74, 76-79, 81-95, 100-101, 103-104 and 115-140 are rejected under 35 U.S.C. § 102(e) as being clearly anticipated by Schein et al, U.S. pat. No. 6,002,394.

Per claims 1, 4-5, 11-12, 18 and 21-22, Schein discloses a system and method for providing broadcast programming, program schedule and other related data to users comprising:

a) a first transmitter comprising one of satellite, cable head end, radio transmitter, etc., for transmitting the program to a user site (see col 6, lines 25-36),

b) a second transmitter comprising one of satellite, cable, or database server for transmitting program schedule, related addresses (links) and data directly to the user site (col 5, lines 45-65 and col 12, lines 61-64),

c) an Internet database for providing program schedule data and/or addresses (links) for identifying online information sources (see col 13, lines 58-66 and col 18, lines 20-43),

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d) a communication means in response to a user selection for automatically establishing a communication link to a network database for obtaining program schedule and/or additional data from the Internet that are related to the currently tuned program (col 15, lines 24-61),

e) a display at the user site for displaying program schedule and additional information received from the online service providers, e.g., advertisement, information for particular program or artist, and on-line ordering, (see col 4, lines 23-32 and col 20, lines 1-63).

Per claims 6-10, it is noted that the Internet related data could be transmitted before, after or during the program broadcast. Additionally, program schedule can be programmed for delivery at predetermined times (see col 15, lines 58-67).

Per claims 14 and 19, Schein also teaches a memory for storing program schedule data at the user site (see col 14, lines 18-32), and a recording means for automatically recording select programs at the user site (see col 17, lines 23-34).

Per claims 16-19, 23-35, 39-40 and 43, it is noted that Schein's teachings are applicable to all conventional broadcast programming.

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Claims 61, 64-74, 76-79, 81-95, 100-101 and 103-104 are corresponding method claims that are also anticipated by Schein's teachings.

Per claim 115, Schein teaches providing timing data (time slots) within the program schedule such that each program and other related data can be displayed/viewed in a predetermined timing order (see col 9, lines 29-37).

Per claims 116-117, Schein teaches providing an address (URL) within the program schedule for retrieving related data on the Internet (see col 14, lines 1-17).

Claims 117-129 are similar in scope as that of claims 16-19, 23-35 and 39-40.

Claims 130-140 are corresponding method claims that are also anticipated by Schein's teachings.

3. Claims 2-3, 15, 20, 41, 36-37, 75, 80, 102, 110 and 141-170 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Schein.

Per claims 2-3 and 62-63, Schein's teachings are still applied as discussed in item 2 above. Schein does not teach implementing the first and second transmitters at a web-hosting site.

It is noted that Schein's first and second transmitters can be implemented anywhere including at a web-hosting site. It would have

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been obvious to one of ordinary skill in the art at the time the invention was made to implement the first and second transmitters at a web-hosting site because it would have enabled coordinating the broadcast programming and online information sources more easily.

Per claims 15, 20, 41, 75, 80 and 102, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize any type of conventional memory and recording means in practicing Schein's invention.

Per claims 110, 141 and 156, Schein further teaches using broadcast signal to transmit program schedule and other Internet data to user site (see col 5, lines 59-65). It would have been further obvious to one of ordinary skill in the art at the time the invention was made to utilize any known encoder/decoder to embedding and extract data including addresses from the broadcast signal.

Claims 142-155 and 157-170 include limitations that are similar to that of claims 115-129 and hence are rejected for the same rationale set forth above for claims 115-129.

**Allowable Subject Matter:**

4. Claim 111 is allowed over prior art of record.

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**Response to Amendment:**

5. Applicant's arguments filed on 12/13/02 with respect to claims 1-35, 39-41, 43, 61-95, 100-104, 110, 115-170 are moot in view of new grounds of rejection set forth above.

It should be noted that the applied patent (6,002,394) is entitled to a benefit of prior filing date from its parent application serial no. 08/537,650 filed 10/2/1995 because at least one claim (e.g., claim 1) in the patent is found enabling by the specification of the parent application. Particularly, the automatic delivery of program schedule to a user site is disclosed in pages 3-5 of the parent case. Additionally, allowing the user to search and retrieve data related to a select broadcast program from the Internet is found in page 14 of the parent case.

**Conclusion:**

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Viet Vu whose telephone number is (703) 305-9597. The examiner can normally be reached on Monday through Thursday from 8:00am to 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An, can be reached on (703) 305-9678.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-9600.



VIET D. VU  
PRIMARY EXAMINER

Art Unit 2154  
2/21/03